

National Council
For Adoption

Testimony for Public Hearing
Committee on Family and Children's Services
March 17, 2010

Chuck Johnson
Vice President and COO, National Council For Adoption
225 N. Washington St.
Alexandria, VA 22314

RE: HOUSE BILL 4015

The National Council For Adoption (NCFA) supports mutual consent registries and other public policies that enable birthparents and adopted persons who wish to connect the opportunity to do so if all parties are in agreement, and allows those individuals who wish to maintain control over personal information the continuing option of doing so. Mutual consent respects the rights of all parties to adoption. Assuming that birth parents are in favor of sharing their private information and forcing those individuals who desire privacy the most to take the added step of "opting-out" is unfair. The assumption should be for privacy, with birth parents and adult adoptees able to "opt-in" if desired.

NCFA does not support mandating the retroactive opening of adoption records. What open records advocates (and, in this case, proponents of HB4015) are looking for is an absolute right, but there is no absolute right to birthparent identifying information, not without that person's knowledge and consent. It is an undisputed fact that there are some women who cannot consider adoption without the option of confidentiality.

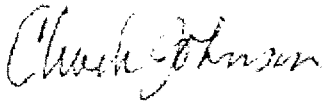
NCFA supports privacy for all members of the adoption triad. The right to maintain or waive one's privacy in adoption is essential to the human rights and personal dignity of adopted persons, birthparents, and adoptive parents. Adoption policy and practice should not empower one party to adoption to receive identifying information or unilaterally impose contact without the consent of another party. Birthparents and adult adopted persons who desire to have contact should be able to do so, when both agree. Otherwise, both should be able to control the release of their identifying information and whether and when contacts are to occur.

Search and reunion advocacy is commonplace in the media, but the range of views among birthparents, adopted persons, and adoptive parents regarding confidentiality and openness in adoption are actually as diverse and personal as they can be. The only just way to reconcile these varying views is through mutual consent, not unilateral coercion. Yet HB4015 would eliminate Michigan's current humane policy based on mutual consent. The law's requirement that birth parents "opt-out" for privacy is of no use to the thousands of birthparents who will not know that this law has been passed and that their privacy is at stake.

When both parties desire information and contact, the law should facilitate the exchange, and it already does so in MI with a mutual consent registry. NCFA supports openness that is based on mutual consent. But the law should not empower one side to force openness on the other, when it is not desired. Good public policy facilitates the needs of the majority while protecting the rights of the minority. While it may be true that many in the adoption triad support openness, it is equally true that there are some for whom opening up this process would have serious and life-altering effects. Mutual consent appropriately balances the needs of those who hope for greater openness, while protecting those individuals who desperately need their privacy.

Thank you for your time and consideration.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Chuck Johnson".

Chuck Johnson
Vice President and CEO
National Council For Adoption